

Filed: 04/09/09

Judge: Kennelly

09cv2192

dmkf

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**A CERTIFIED TRUE COPY**

ATTEST

**By April Layne on Apr 09, 2009**

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**Apr 09, 2009**

**FILED  
CLERK'S OFFICE**

**IN RE: TEXT MESSAGING ANTITRUST  
LITIGATION**

Quin Jackson, et al. v. Sprint Nextel Corp.,  
D. Kansas, C.A. No. 5:08-4133

)  
)

MDL No. 1997

**TRANSFER ORDER**

**Before the entire Panel\***: Plaintiffs in an action pending in the District of Kansas have moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the action to the Northern District of Illinois for inclusion in MDL No. 1997. Defendant Sprint Nextel Corp. supports transfer of the action.

After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to the Northern District of Illinois, and that transfer of the action to the Northern District of Illinois for inclusion in MDL No. 1997 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Northern District of Illinois was a proper Section 1407 forum for antitrust actions involving allegations of a conspiracy to fix, raise, maintain, and stabilize prices for text messaging services sold in the United States. *See In re Text Messaging Antitrust Litigation*, 588 F.Supp.2d 1372 (J.P.M.L. 2008).

Plaintiffs can present their motion for remand to state court to the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Matthew F. Kennelly for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

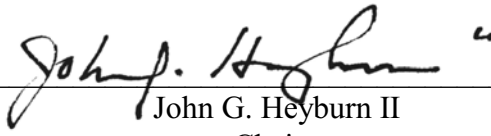
**A TRUE COPY-ATTEST  
MICHAEL W. DOBBINS, CLERK**

\* Judge Miller did not participate in this matter.

**By s/ WILLIE A. HAYNES  
DEPUTY CLERK  
U.S. DISTRICT COURT, NORTHERN  
DISTRICT OF ILLINOIS  
DATE: APRIL 9, 2009**

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PANEL ON MULTIDISTRICT LITIGATION

  
\_\_\_\_\_  
John G. Heyburn II  
Chairman

J. Frederick Motz  
Kathryn H. Vratil  
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.\*  
David R. Hansen  
Frank C. Damrell, Jr.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

MICHAEL W. DOBBINS  
Clerk of Court

312-435-5698

April 9, 2009

Timothy M. O'Brien, Clerk of Court  
District of Kansas  
259 Robert J. Dole  
United States Courthouse  
500 State Avenue  
Kansas City, KS 66101-2400

**Re: MDL 1997 -- In re:Text Messaging Antitrust Litigation**

Your case number: 5:08-4133 Quin Jackson et al. vs Sprint Nextel Corp.

**Our Case Number: 09 cv 2192 - Northern District of Illinois**

Dear Clerk:

Enclosed is a certified copy of the Transfer Order from the Judicial Panel on Multidistrict Litigation (MDL Panel) transferring the above-entitled action to the Northern District of Illinois, Eastern Division, where it has been directly assigned Judge Matthew F. Kennelly .

Upon entry of this letter and the MDL CTO, please electronically transmit your court file to the United States District Court, Northern District of Illinois. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins, Clerk

By: Willie A. Haynes  
Supervisor in Operations